

Part 7

Prohibitions and Penalties

31A-35-701 Prohibited acts.

- (1) A bail bond producer or bail bond agency may not:
 - (a) solicit business in or about:
 - (i) any place where persons in the custody of the state or any local law enforcement or correctional agency are confined; or
 - (ii) any court;
 - (b) pay a fee or rebate or give or promise anything of value to any person in order to secure a settlement, compromise, remission, or reduction of the amount of any undertaking or bail bond;
 - (c) pay a fee or rebate or give anything of value to an attorney in regard to any bail bond matter, except payment for legal services actually rendered for the bail bond producer or bail bond agency;
 - (d) pay a fee or rebate or give or promise anything of value to the principal or anyone in the principal's behalf; or
 - (e) engage in any other act prohibited by the commissioner by rule.
- (2) The following persons may not act as bail bond producers and may not, directly or indirectly, receive any benefits from the execution of any bail bond:
 - (a) a person employed at any jail, correctional facility, or other facility used for the incarceration of persons;
 - (b) a peace officer;
 - (c) a judge; and
 - (d) an inmate incarcerated in any jail, correctional facility, or other facility used for the incarceration of persons.
- (3) A bail bond producer may not:
 - (a) sign or countersign in blank any bail bond;
 - (b) give the power of attorney to, or otherwise authorize anyone to, countersign in the bail bond producer's name to a bail bond; or
 - (c) submit a bail bond to a jail or court in Utah without having completed a written agreement that:
 - (i) states the terms of the bail agreement, contract, or undertaking;
 - (ii) is signed by the bail bond producer; and
 - (iii) is filed with the department.
- (4) A bail bond producer may not advertise or hold himself or herself out to be a bail bond agency or surety insurer.
- (5) The following persons or members of their immediate families may not solicit business on behalf of a bail bond agency or bail bond producer:
 - (a) a person employed at any jail, correctional facility, or other facility used for the incarceration of persons;
 - (b) a peace officer;
 - (c) a judge; or
 - (d) an inmate incarcerated in any jail, correctional facility, or other facility used for the incarceration of persons.

Amended by Chapter 234, 2016 General Session

31A-35-702 Early surrender without cause.

- (1) The bail or bail bond premium shall be returned in full if a bail bond producer without good cause surrenders a defendant to custody before:
 - (a) the time specified in the undertaking of bail or the bail bond for the appearance of the defendant; or
 - (b) any other occasion where the presence of the defendant in court is lawfully required.
- (2) As used in this section, "good cause" includes:
 - (a) the defendant providing materially false information on the application for bail or a bail bond;
 - (b) the court's increasing the amount of bail beyond sound underwriting criteria employed by:
 - (i) the bail bond producer; or
 - (ii) the bail bond agency;
 - (c) a material and detrimental change in the collateral posted by:
 - (i) the defendant; or
 - (ii) a person acting on the defendant's behalf;
 - (d) the defendant changing the defendant's address or telephone number without giving reasonable notice to:
 - (i) the bail bond producer; or
 - (ii) the bail bond agency;
 - (e) the defendant commits another crime, other than a minor traffic violation, as defined by department rule, while on bail;
 - (f) failure by the defendant to appear in court at the appointed time; or
 - (g) a finding of guilt against the defendant by a court of competent jurisdiction.

Amended by Chapter 234, 2016 General Session

31A-35-703 Disciplinary action.

- (1) A person found to be in violation of the statutes or rules governing the conduct of bail bond producers and bail bond agencies under this chapter is subject to:
 - (a) disciplinary action by the commissioner against that person's:
 - (i) license, if the person is a bail bond agency or bail bond producer; or
 - (ii) certificate, if the person is a surety insurer; and
 - (b) imposition of civil penalties, as authorized under Title 31A, Chapter 2, Administration of the Insurance Laws.
- (2) Penalties collected under this section shall be deposited in the restricted account created in Section 31A-35-407.

Amended by Chapter 234, 2016 General Session

31A-35-704 Submission of bail bond agencies and producers to jurisdiction of court.

By applying for and receiving a license or certificate to engage in the bail bond insurance business in accordance with this chapter, a bail bond agency or bail bond producer:

- (1) submits to the jurisdiction of the court;
- (2) irrevocably appoints the clerk of the court as agent upon whom any papers affecting the bail bond agency's or bail bond producer's liability on the undertaking may be served; and
- (3) acknowledges that liability may be enforced on motion and upon notice as the court may require, without the necessity of an independent action.

Amended by Chapter 234, 2016 General Session

